

Government of India
Grievance Appellate Committee

ORDER

Dated 16/10/2026

That the Information Technology (Intermediary guidelines and digital media ethics code) rules, 2021 and its amendments made thereunder empowers the Central Government established Grievance Appellate Committee to issue orders for an intermediary and every order passed shall be complied with by the intermediary concerned and a report to that effect shall be uploaded on its website, if it is satisfied that it is necessary or expedient so to do, in the appeal made by any person aggrieved by a decision of the Grievance Officer.

That Prachi Dubey, appellant has vide appeal 161502/2026 dated 17 Sep 26 brought out that false and incorrect statements of Shri Saibaba being “Chand Miyan,” and alleging that he was involved in religious conversion, espionage, the death of Rani Lakshmibai, dacoity, rape, murder, and robbery, and claims that he was falsely glorified only for commercial gain have been projected as facts and has consequently harmed and the reputation of Shri Saibaba and the Shree Saibaba Sansthan trust and instigating communal disharmony between Hindu and Muslim religion.

That the appellant has requested for removal of hate and defamatory content against Shri Saibaba and Shri Saibaba Sansthan Trust.

That Intermediary agrees that the appeal falls within the purview of the Grievance Appellate Committee (GAC).

That Intermediary whilst recommending dismissal of appeal has brought out various issues which are enumerated in succeeding paragraphs.

That Kerala High Court in the case of Mr Anto Augustine and ors v/s UoI decided on 22 May 26 has held that “.....so long as there is no order passed by a competent Court, or notified by appropriate government or its agency, there is no obligation upon the intermediary to block the content. The order of Grievance Appellate Committee (GAC) is of statutory in nature.

That Kerala High Court in the same case has held, the defamation is not something, which needs to be taken note of by the intermediary, while observing due diligence.....it can only be adjudicated by a court or an authority”

That In Vysakh K.G. v. Union of India and Ors. , the Kerala High Court had observed that “Google cannot be said to be content-blind to publications made online and it is not a mere passive conduit..” As such Intermediaries always have control over the content present on the respective platform. The Intermediary’s recommendation to approach uploader directly needs revisit.

That IT Rules 2021 also known as Ethics Code Rules,2021,were enacted invoking the powers of IT Act. Rule 3 of the said Rules, as amended vide G.S.R. 120(E), dated 10.02.2026, provides for the due diligence to be performed by an intermediary. Further, The GAC is constituted under the IT Rules, 2021, which are framed under the IT Act, 2000. The GAC is a statutory appellate body established to provide an online dispute resolution mechanism for users aggrieved by decisions of Grievance Officers of intermediaries.

That the power to pass blocking orders is limited to a few subjects under Article 19(2), and can be exercised under the 2009 Rules. There is a reference to “defamation”, as it is one of the ingredients in Article 19(2) based on which, reasonable restrictions can be imposed upon the fundamental right under Article 19(1)(a). The reported content if found defamatory by GAC (Statutory Agency) can thus be taken down and there is no such infirmity.

That further, Karnataka High Court in the case of X Corp v/s UoI decided on 24 Sep 25 has held that, Section 79 is to be read with Rule 3(1)(d) and Section 69A separately, as Section 69A employs elaborate procedure for taking down or blocking... Rule 3(1)(d) of the IT Rules, 2021 mandates is only due diligence with conditions. Thus take down orders issued under Rule 3(1) (d) of IT Rules 2021 have no infirmity.

That this is appellant’s third appeal on a similar matter. The earlier appeal being 139158/2026 and 148706/2026, wherein the appellant had filed a writ petition in High Court, Delhi. The Court vide its order dated 11 Aug 26 in WP(C) 11451/2026 has directed that “the statutory appeal preferred by the petitioner before the Grievance Appellate Committee shall be considered and decided by passing a reasoned order within a period of seven days from this date, under intimation to the petitioner”. In this case 35 reported videos found to be defamatory were ordered to be taken down vide GAC order dated 13 Aug 26. Intermediary has confirmed on 27 Aug 26 that they have blocked access to the at-issue videos in India .

That the Court whilst hearing the Writ Petition on 20 Aug 26 directed that “ that any fresh complaint is filed by the petitioner, the appropriate authority will look into the same, as per law”, indicating that judicial oversight would continue to ensure effective redressal. The hearing of the case is scheduled on 15 Oct 26.

That an examination of the reported content reveals that these are depicting ‘Shri Sai Baba’ which is considered as God, in a disrespectful manner, intentionally hurting the sentiments of millions, cannot be justified. Given the deep-rooted respect for religious symbols and deities, disrespect can lead to social unrest and hurt a large section of society. It is crucial to approach such depictions with sensitivity. It is to be ensured that freedom of expression does not translate into hurting religious feelings. Few videos as reported in the appeal are unavailable.

That this appeal reflects that while the law requires proactive compliance with the Grievance Mechanism, Intermediary resists takedown without Court Order. Delhi High Court by placing the onus on the GAC to enforce its order has cleared the deadlock.

That the Grievance Appellate Committee (GAC) has concluded that that keeping in spirit of the Order dated 13 Aug 26 in appeal 139158/2026, Intermediary to bring down the reported videos and channels in appeal, within 24 h of receiving this order.

Grievance Appellate Committee